



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 22 2011

Rafael Moure-Eraso, Ph.D., CIH  
Chairperson and Chief Executive Officer  
U.S. Chemical Safety and Hazard Investigation Board  
2175 K Street, NW, Suite 650  
Washington, DC 20037-1809

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Dear Dr. Moure-Eraso:

This letter is to more fully respond to your letter of February 4, 2011, to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson, concerning the U.S. Chemical Safety and Hazard Investigation Board (CSB) report on the August 28, 2008, explosion at the Bayer CropScience facility in Institute, West Virginia and specifically requesting EPA's response to a recommendation contained in the report. Enclosed is a copy of a letter from EPA dated April 12<sup>th</sup> that responded specifically to your February 18<sup>th</sup> letter.

CSB's recommendation to EPA states:  
"2008-08-I-WV-R12

In light of the findings of this report and the serious potential hazards to workers and the public from chemicals used and stored at the Bayer Institute site (such as phosgene, MIC, and methomyl), conduct a comprehensive Risk Management Program (RMP) inspection of the complex. Coordinate with the Occupational Safety and Health Administration, as appropriate."

Approximately 13,000 U.S. facilities are covered under EPA's Risk Management Program regulations. The EPA's current policy regarding RMP inspections is to annually inspect at least 5 percent of RMP facilities nationwide, with at least 25 percent of inspections to be conducted at high-risk facilities. The EPA has included the Bayer CropScience facility in Institute, West Virginia on the agency's list of high-risk facilities for RMP inspections. Accordingly, EPA Region 3 will schedule an inspection of the Bayer CropScience facility and request the participation of OSHA on the inspection. The agency will inform the CSB when the inspection is completed.

Again, thank you for your letter. If you have any questions or need further information, please contact me or have your staff contact James Belke at (202) 564-8023.

Sincerely,

A handwritten signature in black ink, appearing to read "Mathy Stanislaus", is written over a horizontal line.

Mathy Stanislaus  
Assistant Administrator

Enclosure

cc: Mr. Mark Kaszniak  
Senior Chemical Safety Recommendations Specialist, CSB

Internet Address (URL) • <http://www.epa.gov>



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Dr. Rafael Moure-Eraso, Ph.D., CIH  
Chairperson and CEO  
U.S. Chemical Safety and Hazard Investigation Board  
2175 K Street, NW, Suite 650  
Washington, DC 20037-1809

Dear Dr. Moure-Eraso:

Thank you for your letter of February 18, 2011, to U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson, expressing your concern over the restart of the methyl isocyanate (MIC) production unit at the Bayer CropScience facility in Institute, West Virginia, and encouraging EPA to immediately conduct a comprehensive Risk Management Program (RMP) inspection of the Bayer complex.

However, I understand that after you wrote, Bayer CropScience announced that it no longer intends to restart the MIC unit, and will in fact begin dismantling it. This seems to overtake the need for the inspection that you identified, but if we have misunderstood, please let us know.

To improve efforts, our staff could meet and EPA can clarify the purpose of EPA's RMP. If CSB would like, CSB staff may contact James Belke at 202-564-8023.

Again, thank you for your letter. If you have any questions or need further information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, which appears to read "Mathy Stanislaus".

Mathy Stanislaus  
Assistant Administrator